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CARRIER CORPORATION

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDL

ROBERT SCHOELZEL,

Plaintiff,

v.

ASBESTOS DEFENDANTS, As Reflected on
Exhibits, et al.,

Defendants.

CV Cas No. 08

3113

DEFENDANT CARRIER
CORPORATION'S NOTICE OF
PENDENCY OF OTHER ACTION OR
PROCEEDING

Civil L.R. 3-13

TO THE CLERK OF THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:

PLEASE TAKE NOTICE that pursuant to Civil L.R. 3-13, defendant Carrier Corporation
("Carrier") hereby notifies the Court that the above-entitled action appears to involve all or a
material part of the same subject matter as other actions which are pending in the United States
District Court for the Eastern District of Pennsylvania, where all Federal Court asbestos personal
injury actions have been centralized pursuant to the Order of the judicial panel on multi-district
litigation for coordinated or consolidated pretrial proceedings pursuant to U.S.C. § 1407 ("MDL
Transfer Order").

1 In its MDL Transfer Order, the judicial panel found that the consolidated actions, similar
2 to the instant case, dealt with common questions of fact relating to injuries or wrongful death
3 allegedly caused by exposure to asbestos, “and that centralization under § 1407 in the Eastern
4 District of Pennsylvania will best serve the convenience of the parties and witnesses and promote
5 the just and efficient conduct of this litigation.” *Fung v. Abex Corp.* 816 F.Supp. 569, 573
6 (N.D. Cal. 1992). The MDL Transfer Order also applies to “tag-along actions,” or actions
7 involving common questions of fact filed after the January 1991 filings of the Panel’s Order to
8 Show Cause. See Carrier’s Notice of Tag-Along Action filed concurrently herewith.

9 Accordingly, because the above-entitled case involves a claim for injuries allegedly
10 caused by exposure to asbestos, Carrier requests that this action be transferred to the United
11 States District Court for the Eastern District of Pennsylvania pursuant to the multi-district
12 litigation procedures to conserve resources and promote an efficient determination of the action.

13
14 DATED: June 27, 2008

TUCKER ELLIS & WEST LLP

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17 By: 

Evan G. Nelson
Lillian C. Ma
Attorneys for Defendant
CARRIER CORPORATION

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT SCHOELZEL,

Plaintiff,

v.

ASBESTOS DEFENDANTS, As Reflected on
Exhibits, et al.,

Defendants.

Case No.

**DEFENDANT CARRIER
CORPORATION'S NOTICE OF TAG-
ALONG ACTION**

Multi-District Rule 7.5(e)

TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:

PLEASE TAKE NOTICE that on July 29, 1991, the Judicial Panel on Multidistrict
Litigation entered an order transferring all asbestos cases pending in federal court to the United
States District Court, Eastern District of Pennsylvania, for coordinated or consolidated pretrial
proceedings pursuant to U.S.C. § 1407 ("MDL Transfer Order"). That order also applies to "tag-
along actions," or actions involving common questions of fact filed after the January 1991 filings
of the Panel's Order to Show Cause. MDL Rule 13(e) provides:

Any party or counsel in actions previously transferred under
section 1407 or under consideration by the Panel for transfer under

1 section 1407 shall promptly notify the Clerk of the Panel of any
2 potential "tag-along actions" in which that party is also named or
3 in which that counsel appears.

4 The undersigned hereby notifies the court that this is a potential "tag-along action" which
5 may be subject to transfer to the Eastern District of Pennsylvania. The Clerk of the Panel may
6 either: (1) enter a conditional transfer order pursuant to MDL Rule 12(a), or (2) file an order to
7 show cause why the action should not be transferred, pursuant to MDL Rule 13(b).

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9 DATED: June 27, 2008

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